

Message Text

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60

ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 2741

INFO AMEMBASSY MADRID

AMEMBASSY STOCKHOLM

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E.O. 11652: N/A

TAGS: UNGA, SHUM, SP

SUBJECT: THIRD COMMITTEE--ITEM 12, SITUATION IN SPAIN

1. SWEDISH REP IN THIRD COMITE SHOWED TO US DEL A PRELIMINARY DRAFT OF A DECISION ON THE SITUATION IN SPAIN. DRAFT DECISION WOULD REQUEST UNGA PRESIDENT AND SYG OF UN TO APPEAL TO GOS TO "SHOW RESTRAINT AND CLEMENCY" WHEN DEALING WITH CRIMES, "PARTICULARLY THOSE OF A POLITICAL INSPIRATION." HE ASKED FOR PRELIMINARY PERSONAL COMMENTS AND STATED THAT SWEDEN WOULD NOT GO AHEAD WITH THIS DECISION UNLESS IT COULD GET THE GENERAL SUPPORT OF THE WEO GROUP.

2. US DEL THANKED SWEDISH REP FOR INFORMATION AND STATED THAT ONLY PRELIMINARY COMMENT WAS ON PHRASE "PARTICULARLY THOSE OF A POLITICAL INSPRIATION." POSITION OF USG IS THAT CRIMINAL ACTIONS REMAIN EXACTLY THAT, WHETHER OR NOT POLITICAL INSPRIATION IS PLEADED IN DEFENSE. REAL PROBLEM IS THAT OF INSURING PROTECTION OF HUMAN RIGHTS AND DUE PROCESS IN CRIMINAL PROCEEDINGS.

3. WHILE SPANISH REGIME IS CLEARLY WORTHY OF SERIOUS REPROACH (AS ARE OTHERS), USUN BELIEVES IT IS DISSERVICE TO SERIOUS AT-
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TEMPTS TO ADVANCE CAUSE OF HUMAN RIGHTS IN UN TO SINGLE OUT

ONLY THOSE MALEFACTORS CURRENTLY IN GENERAL DISFAVOR. ACCORD-
INGLY, US DEL CONSIDERS WE SHOULD TELL SWEDES THAT WE WOULD
SUPPORT AN APPEAL TO ALL STATES WHICH 1) EMPHASIZES IMPERATIVE
NATURE OF DUE PROCESS IN ARREST, DETENTION, AND PROSECUTION
OF ALLEGED OFFENDERS, INCLUDING ALLEGED POLITICAL OFFENDERS,
AND 2) CONDEMNS ALL ACTS OF STATES WHICH CAUSE OR RESULT
IN DEPRIVATION OF DUE PROCESS IN ARREST, DETENTION, AND
PROSECUTION OF ALLEGED OFFENDERS, PARTICULARLY DISPARITY IN
TREATMENT OF POLITICAL PRISONERS, AND 3) CONSIDERS THE RECENT
INCIDENTS IN SPAIN AS EXAMPLES OF SUCH DEPRIVATION OF DUE
PROCESS. WE WOULD ALSO INFORM SWEDES THAT US WOULD NOT SUPPORT
ANY DECISION THAT REFERS ONLY TO VIOLATION OF HUMAN RIGHTS
IN SPAIN.

4. PLEASE ADVISE.
MOYNIHAN

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